

## Enclosure 1

### State of California Air Resources Board

#### Toxic Air Contaminant: Program Statutory Basis and Process

California's toxic air contaminant program is established by Health and Safety Code sections 39650-39674. This law sets forth the process for:

1. assessing the risk posed by substances;
2. identifying by regulation substances determined to be toxic air contaminants; and
3. managing the risk by adopting control measures for the identified toxic air contaminant.

The law defines a toxic air contaminant as an air pollutant which may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health.

Two reports are prepared during this risk assessment and risk management process. The first report, which is prepared by the California Environmental Protection Agency's Air Resources Board (ARB) and Office of Environmental Health Hazard Assessment (OEHHA) staffs, contains information on the exposure and health effects of the substance. This report is used to determine whether a substance should be identified as a toxic air contaminant. The second report, which is prepared by the ARB staff after a substance is identified as a toxic air contaminant, is on the need for regulation of that substance. Both reports are developed using an open, public process.

Before the ARB can formally identify a substance as a toxic air contaminant, several steps must be taken. First, the ARB must make a formal request to the OEHHA to evaluate the health effects of the candidate substance. Second, the ARB staff must prepare the risk assessment report, including the health effects evaluation and an estimate of exposure levels and/or unit risk (with a special emphasis on children's exposure), and then submit the report to the Scientific Review Panel on Toxic Air Contaminants (SRP) for its review. The report submitted to the SRP will be made available to the public. Information submitted by interested parties will be considered in the report to the SRP. The SRP reviews the sufficiency of the information, methods, and data used by the OEHHA in its evaluation and prepare findings. The report, with the written findings of the SRP, will be considered by the ARB and will be the basis for any regulatory action to identify a substance as a toxic air contaminant.

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The attached information request is the first step in preparing the risk assessment report and is usually done before a formal request is made to OEHHA for preparation of a health assessment. Before either the ARB or OEHHA begin their analysis of a substance, the ARB provides an opportunity for interested parties to submit information on the atmospheric chemistry, sources, exposure to, and the adverse effects on health of exposure to that substance. You are encouraged to submit any information that you believe would be important in ARB's and OEHHA's evaluation, but there is no need to submit information you submitted to us previously.